

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mail Date: May 22, 2003

Opposition Nos. 125,682;
125,905; 125,906; 152,088;
152,089; 153,592; 153,940;
154,289

Cancellation Nos. 40,730 and
40,866

Choctaw Nation of Oklahoma

v.

Mississippi Band of Choctaw
Indians

Cheryl Butler, Interlocutory Attorney

Shortly after institution, each of the above-referenced cases was suspended to accommodate settlement. An answer, filed April 30, 2003, is of record for Opposition No. 152,088. This case now comes up on plaintiff's motion, filed March 26, 2003, to consolidate and to resume proceedings. Each opposition and cancellation proceeding involves the same parties and at least some of the same questions of law and fact.

When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. The Board, in its discretion, may order cases consolidated prior to joinder of issue (i.e., before an answer has been filed in each case).

Opposition Nos. 125,682; 125,905; 125,906; 152,088; 152,089; 153,592; 153,940; and 154,289; Cancellation Nos. 40,730 and 40,866

Accordingly, the oppositions and cancellations referenced in the heading of this order are hereby consolidated and may be presented on the same record and briefs. (The record will be maintained at the Board in Opposition No. **125,682** as the "parent" case, but all papers filed in these cases should include both proceeding numbers in ascending order.)

When proceedings are suspended to accommodate settlement, they are done so with the right of either party to request resumption at any time. Accordingly, opposer's request to resume is granted. Applicant is allowed until **thirty days** from the mailing date of this order to file its answer for each proceeding. (With respect to the answers alone, applicant must file individually. Any other filings should be directed only toward the parent case in this consolidation. However, if the parties settle some, but not all, of the cases, they may file a stipulated disposition of those settled cases individually per case.)

Discovery and trial dates for the consolidation are rest as follows:

DISCOVERY PERIOD TO CLOSE:	12/7/03
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	3/6/04
Testimony period for party in position of defendant to close:(opening thirty days prior thereto)	5/5/04
Rebuttal testimony period to close: (opening fifteen days prior thereto)	6/19/04

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IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party **WITHIN THIRTY DAYS** after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
